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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/100,100	06/19/1998	JAMES E. ROSS JR.	RLIS	8195

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SUITE 4900  
CHICAGO, IL 60601-6780

EXAMINER

KANOF, PEDRO R

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/18/2002

24

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/100,100**

Applicant(s)  
**Ross, Jr.**

Examiner  
**KANOF**

Art Unit  
**3628**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 2, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-29 and 37-65 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-29 and 37-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Response to Amendments*

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1. This correspondence is in response to the amendments filed 4/2/02.
2. Claims 25-29 and 37-41 have been amendment as requested.
3. Applicants' arguments have been fully considered, and are not deemed to be persuasive.

Therefore, claims 25-29 and 37-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amado (PCT WO 96/27837) in view of Morris F. Collen (Hospital Computer Systems, 1974, Wiley and Sons, N.Y.), and further view of Tallman et al. (U.S. Patent No. 5,764,923).

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-27, 37-39, 42-45, 51, 55, 56 and 62 are rejected under 35 U.S.C. 103 as being unpatentable over Amado (PCT WO 96/27837) in view of Morris F. Collen (Hospital Computer Systems, 1974, Wiley and Sons, N.Y.) (hereafter Collen).

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Claims 25 and 37: Amado discloses a method for rendering a report including medical language from previously stored data, said method comprising storing sentences and phrases related to medical data in peripheral CPU's, inputting patient data at a peripheral data input device, transferring the patient data from the peripheral data input device to a server communicatively coupled to the peripheral data input device and tabling the patient data at the server, transferring the tabled patient data from the server to a report rendering component, and compiling sentences and paragraphs by the report rendering component from the stored sentences and phrases and the patient data, whereby stored medical facts associated with the input data are converted into sentence structure (Page 2, lines 20-28, Page 3, lines 1-15, Page 4, lines 1-20, Page 35, line 26-page 37, line 11). However, Amado does not explicitly disclose creating structured medical reports and stored sentences and phrases. Collen discloses such steps.(Page 199, line 17-page 202, line 27). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include such steps. One would have been

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motivated to do that in order to increase the facility to enter and retrieval information stored in the system.

Claims 26 and 38: Amado and Collen disclose the method of claims 25 and 37. Amado also discloses rearranging the medical facts compiled into the sentence structure into a medically appropriate order (Page 4, lines 21-30 and Abstract).

Claims 27 and 39: Amado and Collen disclose the method of claims 26 and 38. Amado also discloses consolidating, by the report rendering component, automatically generated medical English text with patient-related stored text and generated medical text with patient-related stored text including dictated transcripts (Page 5, lines 10-17).

Claims 42 and 55: Amado discloses a method and a system for computer-aided generation of patient medical documentation assembled from a combination of sources including user supplied text, information retrieval system from a database in accordance with a specified pre-phrased text identifier, and text generated from input medical data facts, said method comprising the steps of:

associating multiple pieces of information regarding a patient with a patient medical information record, the multiple pieces of medical information, comprising:

input text of the type generally arising from transcribed dictation,

retrieval information system for texts from an electronic data storage apparatus

and associated with a pre-phrased text identifier, and

medical data facts (Page 7, lines 6-20),

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wherein inputs relating to the multiple pieces of information regarding the patient are received by a medical information input interface providing random access to at least one of a set of medical information fields associated with the patient medical information record,

receiving an identification of a patient medical document type; and

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generating, by a computer system under software control, a patient medical document based upon at least a portion of the multiple pieces of information regarding the patient and an information specification corresponding to the patient medical document type identification that specifies the portion of the multiple pieces of information to be included in the patient medical document, said generating step comprising, in any order:

first inserting the input text at locations within the patient medical document in accordance with a text type associated with each distinguished portion of the input text (Page 7, lines 21-33),

second inserting text corresponding to the pre-phrased text retrieved from an electronic data storage apparatus (Page 8, line 21-page 9, line 9), and

third inserting text generated in accordance with the medical data facts (Page 33, line 29-page 34, line 9).

However, Amado does not explicitly disclose the use of pre-phrased text retrieval and pre-phrased text identifier in his information system retrieval. Collen discloses such steps.(Page 199, line 17-page 202, line 27). Therefore, it would have been obvious to one having ordinary skill in

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the art at the time the invention was made to include such steps. One would have been motivated to do that in order to increase the facility to enter and retrieval information stored in the system.

Claim 43: Amado and Collen disclose a method of claim 42. Amado also discloses wherein the text generated in accordance with the medical data facts is generated in accordance with a medically logical sequence (Page 8, lines 1-20 and page 40, line 5-page 41, line 20).

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Claim 44: Amado and Collen disclose a method of claim 42. Amado also discloses wherein the step of generating a patient medical document further comprises generating heading text in accordance with the patient medical document type designation (Page 45, line 5-page 47, line 19).

Claims 45 and 56: Amado and Collen disclose a method and a system of claims 42 and 55. Amado also discloses wherein the step of generating a patient medical document further comprises arranging the multiple pieces of information regarding the patient in accordance with the medical document type designation (Page 9, lines 10-29, page 10, line 16-page 12, line 28).

Claim 51 and 62: Amado and Collen disclose a method and a system of claims 42 and 55. Amado also discloses providing a set of selectively activated input modules facilitating prompted input of information relating to care for a patient (Page 9, line 30-page 10, line 15).

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6. Claims 28, 29, 40, 41, 46, 48-50, 52-54, 57, 59-61 and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amado (PCT WO 96/27837) in view of Collen.

Claims 28, 29, 40 and 41: Amado and Collen disclose the method of claims 27, 39 and

41. However, the references do not disclose the step of inserting, by the report rendering component, headlines and sub headlines with the report, nor modifying, in accordance with programmed report generation instructions, the font of text within particular portions of the report to use of bold, italic, and larger text sizes to emphasize important medical sections or information. Official notice is taken that those steps are well known within the art to emphasize important information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these steps to emphasize important information. One would have been motivated to use this procedure in order to facilitate the reading of the patient medical document and to saving time in the medical decision process making.

Claims 46, 48, 49, 57, 59 and 60: Amado and Collen disclose the method and system of claims 42, 45, 55 and 56. However, the references do not disclose that when the patient medical document is a patient medical report or the nurse notes that the text generated is medical text. Official notice is taken that those steps are well known within the art and are currently used in the day to day management and updating of patient records. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these steps to update the patient records. One would have been motivated to use this procedure in order to include



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inputs about the patient status from different professionals, with different relevance throughout the entire day.

Claims 50 and 61: Amado and Collen disclose the method and system of claims 42 and 55. However, the references do not disclose the step of providing an editing tool to modify specified pre-phrased text. Official notice is taken that this step is are well known within the art and is currently used in the text processing art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use that step to modify specified pre-phrased text. One would have been motivated to include modifying specified pre-phrased text in order to increase the flexibility in the text processing.

Claims 52- 54 and 63- 65: Amado and Collen disclose the method and system of claims 42 and 55. .However, the references do not disclose the steps of providing a security mechanism facilitating limiting access to particular users, recording a time at which a particular piece of information is submitted for a patient medical record, nor recording an identity of a logged on user that supplied a particular piece of information stored in the patient medical information record. Official notice is taken that those steps are well known within the art and are currently used in the security data processing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these steps to guarantee the patient's privacy. One would have been motivated to use this security procedures in order to minimize the risk of inappropriate diffusion of personal data.

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7. Claims 47 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amado (PCT WO 96/27837) in view of Collen, and further view of Tallman et al. (U.S. Patent No. 5,764,923).

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Amado and Collen disclose the method and system of claims 45 and 56. However, the references do not explicitly disclose wherein the patient medical document is a triage record. Tallman discloses such as step (Col. 11, lines 29-34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that one type of patient medical document could include a triage record. One would have been motivated to include a triage record as the patient medical document in order to include all pertinent data in the case to provide the files support for diagnosis and therapeutic decisions.

***Response to Arguments***

8. Applicant's arguments filed 4/2/02. have been fully considered but they are not persuasive.

9.. Applicant argues that "Amado reference's failure to teach or suggest generating patient records from a database of patient medical information..."(Page 4, line 18-page 5, line 1).

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Examiner notes that Amado discloses a “Decision support systems for business managers, and it has the ability to identify and even execute specific actions when particular diagnosis are generated or activated” (Abstract, page 31, line 14-page 3, line 11 ).

Thus, Amado discloses generating patient records from a database of patient medical information.

10. Applicant argues that: “The claims, in contrast to the teachings of the *Hospital Computer Systems* reference, recite creating structured medical reports from a combination of tabled patient data (input via data input device and maintained by a server) and stored sentences and phrases” (Page 5, lines 18-21).

Examiner notes that *Hospital Computer Systems* (Collen) discloses that “...selected sections of reports can be automatically screened for a series of words and phrases which indicate a diagnostic interpretation of malignant disease” (Page 200, lines 27-29). Collen added “Natural language reports, whether in clear text or a coded equivalent, are retrieved by locating a series of words or phrases which have the requested logical associations” (Page 201, lines 36-38). Finally, Collen discloses: “The Keywords or phrases are then entered. Retrieval may be based on the location of a single word or one word in a series -the OR option. It is possible to specify that two or more words or phrases be located -the AND option. Any word or phrase may be made synonymous with any other word or phrase. A report may be retrieved only if it contains one or more words or phrases...” (Page 202, lines 2-8). Consequently, Collen discloses creating

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structured medical reports from a combination of tabled patient data (input via data input device and maintained by a server) and stored sentences and phrases, as claimed in applicants invention.

### *Conclusion*

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11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Pedro R. Kanof whose telephone number is (703) 308-9552. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, can be reached on (703) 308-1065. The fax phone number for this Group is (703) 305-7687..

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

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PRK-7/3/02.



**VINCENT MILLIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**